



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,116	09/29/2003	Darren James Zellak	RI92403	9839

7590 02/13/2006
Martin Faier, Faier & Faier P.C.
566 W. Adams St. #600
Chicago, IL 60661

EXAMINER

CHIN, PAUL T

ART UNIT	PAPER NUMBER
----------	--------------

3652

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,116

Applicant(s)

ZELLAK, DARREN JAMES

Examiner

PAUL T. CHIN

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5, 8-13, 15-20 and 23-34 is/are pending in the application.
4a) Of the above claim(s) 9, 16-20 and 23 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 3-5, 8, 10-13, 15 and 24-34 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's amendment filed July 7, 2005, and November 2, 2005, and the arguments presented therewith have been fully considered. Regarding Hood, Jr. et al. (3,699,629), they are persuasive in light of the amended claims, and the claim rejection of Hood ('629), has been withdrawn. However, the arguments on Potter's device (2,667,094) are not persuasive. Moreover, the arguments are moot in view of a new ground of rejection by Adams (6,732,426). Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

Election/Restrictions

2. Applicant's election with traverse of the election of group I, readable on claims 3-5,8-13,15, in the reply filed on January 18, 2005, is acknowledged. Note that applicant canceled claims 1,2,6,7,14,21, and 22, and added new claims 24-34.

3. This application contains claims 9,16-20, and 23 are drawn to an invention nonelected with traverse in Paper No. January 18, 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "tapered fingers (18,18)" (claims 11-13) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

Art Unit: 3652

even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claim 26 is objected to because of the following informalities: it appears in claim 26, line 1, that the words "In the" before "connector tool" should be changed to -- The -- for consistency with other claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4,5,26,33, and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no antecedent basis for "said connector slot" (claims 4 and 5). Note that claim 24 recites, "said gripper having a cable slot". Moreover, there is no antecedent basis for "said cable slot and cable channel" (claim 26, line 2). Applicant recites, "said gripper having a cable slot", but does not specifically define "said cable channel" in claim 25.

Art Unit: 3652

Therefore, the recited phrase "said cable slot and cable channel" is unclear as to how "the gripper" has sufficient space in the cable slot and cable channel to permit the cable to slide with the gripper in the sleeve. Further, the exact meaning of the recited phrase "said cable slot extends the full length of said sleeve" (claim 33) is not clearly understood. Applicant recites, "said gripper having a cable slot", but it is unclear as to how "the cable slot" extends "the full length of the sleeve". Note that there is no antecedent basis for "the full length of said sleeve". The exact meaning of the recited phrase "long juts on the walls of said sleeve define said cable slot" (claim 34) is not clearly understood as to how "the walls of the sleeve define the cable slot". Applicant defines "the gripper having a cable slot", but does not define "the sleeve having the cable slot". Note that there is no antecedent basis for "the walls of said sleeve" (claim 34, line 2).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 3-5, 8, 11-13, 15, and 24-34, as best understood, are rejected under 35

U.S.C. 102(b) as being anticipated by Potter (2,667,094) (see PTO-892).

Art Unit: 3652

Potter (2,667,094) discloses a tool comprising a sleeve (18) having a first end and a second end and a gripper channel (45) (see Fig. 7) extending between the two ends; a gripper assembly having a handle (17) and tapered fingers (16,16), and the sleeve and the gripper are slidable relative to each other, the fingers further having an elongated opening, which can be considered as a cable slot, capable of engaging a cable (55).

Note that Potter teaches a handle having a flange (36) free of the sleeve, tapered fingers (Fig. 1) slidable in the sleeve, and a sufficient distance for the fingers (16) to be drawn in the second end when the handle is slid away from the first sleeve end.

Re claims 3-5 and 8, Potter (2,667,094), as best understood, shows the fingers (16,16) forming a substantially rectangular connector slot (Fig. 1), and each having an engaging lug (27,27) providing for non-slip gripping. Figures 8-10 show the engaging lug (27) that engages the electrical connector by hooking the lug around the connector. Note that the fingers are capable of engaging difference electrical connectors, such as a substantially rectangular connector.

Re claims 11-13, Potter (2,667,094) shows tapered grippers (fig. 1) and is capable of performing the functional limitations as recited in the claims.

Re claims 15 and 32, figure 8 shows the sleeve having friction surfaces on the first end, which can be considered as a finger rest.

Re claims 26 and 27, Potter (2,667,094), as best understood, shows an elongated channel (Fig. 3), which can be considered as shows a cable slot and cable channel, to permit the cable to slide and the connector is adapted to fit loosely in the fingers. Note that figure 7 shows a keyway (45), which can be considered as a slot, along the length of the sleeve (18) to accommodate the gripper assembly.

Art Unit: 3652

Re claims 28-30, Figs. 5 and 6 show a handle having a flange (36), which can be considered as a stop, to prevent its movement into the sleeve (18) and the sliding movement can be accomplished with one handle as shown in figure 8.

Re claims 33 and 34, Potter (2,667,094), as best understood, shows in figure 7 (cross section view of the sleeve), a substantially circular shaped opening with two keyways (45,45), displaying a substantially rectangular shape channel to allow the gripper assembly (15,16) and the cable (55) to slide within the channel. Therefore, Potter's device substantially shows the sleeve having long juts along the walls as shown in figure 7. It is pointed out that Potter's device (2,667,094) contains all the structural elements as recited in the above claims is capable of performing the functional limitations as recited in the claims.

10. Claims 3-5,8,15, and 24-34, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Adams (6,732,426).

Adams (6,732,426) discloses a fiber optic gripping tool comprising a sleeve (102) having a first end and a second end and a gripper channel (see Fig. 5) extending between the two ends; a gripper (104) having a handle (Fig. 6) having a flange, and fingers (120,122), and the sleeve and the gripper are slidable relative to each other, the fingers further having a cable slot (Figs. 4 and 5) capable of engaging a fiber optic cable (52). Re claim 3, figure 5 shows a substantially rectangular connector slot. Note that Adams's device is capable of various cables such as rounded cables, and rectangular shape connectors.

Re claims 4,5 and 8, Adams's device, as best understood, shows each finger (120,122) having an engaging lug (130) (Fig. 5) providing for non-slip gripping. Figures 1-3

Art Unit: 3652

substantially show the engaging lug (130) that engages the electrical connector by hooking the lug around the connector and the cable.

Re claims 15 and 32, figure 4 shows the sleeve having a finger rest at the first end.

Re claims 26 and 27, Adams (6,732,426), as best understood, shows a sleeve (102) having an elongated channel, which also can be considered as a cable slot and cable channel, and a gripper (104) having a slot to permit the cable to slide and the connector is adapted to fit loosely in the fingers.

Re claims 28-30, Figs. 4 and 6 show a handle having a flange, which can be considered as a stop, to prevent its movement into the sleeve (102) and the sliding movement can be accomplished with one handle.

Re claim 31, the gripper (104) can be moved in the sleeve (102) without spring action.

Note that claim 25 recites an apparatus and claim 31 recites the functional limitations and Adams's tool is capable of moving the gripper in the sleeve without the spring.

Re claims 33 and 34, Adams's device, as best understood, shows an elongated sleeve (102) (figures 4-6) having an elongated channel and a slot (114), which can be considered as a cable slot, and a gripper (104) slidable within the sleeve. Note figure 5 shows long juts on the walls of the sleeve (102).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3652

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Potter (2,667,094) in view of Hood, Jr. et al. (3,699,629) (see PTO-892).

Potter's device (2,667,094), as presented in section 9 above, does not show that the device is made of plastic. However, Hood, Jr. et al. (3,699,629) teaches a tool being made of a plastic (Col 2, lines 59-61). Accordingly, it would have been obvious to those skilled in the art to provide the Potter's device (2,667,094) to be made of a plastic as taught by Hood, Jr. et al. (3,699,629) to provide a light and flexible device for gripping delicate cables or connectors.

13. Claim 10-13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (6,732,426) in view of Hood, Jr. et al. (3,699,629) (see PTO-892).

Adams (6,732,426), as presented in section 10 above, does not show that the device is made of plastic. However, Hood, Jr. et al. (3,699,629) teaches a tool being made of a plastic (Col 2, lines 59-61). Accordingly, it would have been obvious to those skilled in the art to provide the Adams's tool (6,732,426) to be made of a plastic as taught by Hood, Jr. et al. (3,699,629) to provide a light and flexible device for gripping delicate cables or connectors.

Re claims 11-13, Adams (6,732,426) does not show that the fingers (120,12) are tapered. Since the Adams's tool is being made of plastic, the fingers (120,122) would be more flexible or resilient to grip a cable. Therefore, it would have been obvious to provide slightly tapered fingers on the Adams's device (6,732,426) to provide more flexible fingers to grip the cable and also to resiliently be drawn into the sleeve (102).

Response to Arguments

14. Applicant's amendment filed July 7, 2005, and November 2, 2005, and the arguments presented therewith have been fully considered. Regarding Hood, Jr. et al. (3,699,629), they are persuasive and the rejection of claims over Hood ('629), has been withdrawn. Note, however, that Hood is still deemed a valid reference for its' teaching of plastic and therefore been used as a modifying reference.

The arguments on Potter's device (2,667,094) are not persuasive.

In response to applicant's argument that "Potter is an insulation stripping tool for electrical conductors" (page 3), a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Note that applicant recites "the fingers adaptable to freely engage a cable connector", "the fingers adapted to lock said cable", and "said gripper having a cable slot adapted to accommodate a cable" and Potter's device is capable of performing all the functional limitations as recited because they are various cables or cable connectors.

Applicant also argues that "Potter's tool requires two handed operation" (page 3). The argument is not persuasive because figure 8 clearly shows that the sliding movement of the gripper can be accomplished with one hand of its user.

Further, applicant argues that "there is no sleeve through which the gripper moves".

Potter's tool clearly discloses a sleeve (18) wherein the gripper assembly is movable as shown from figure 1 to figure 3, and the elongated opening (14) in the gripper assembly and the keyways (45) or slots along the sleeve (18) accommodate the cable (55).

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Applicant's amendment (the additions of new claims 24-34 with new structural limitations in combination with other structural limitations) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to **PAUL T. CHIN** whose telephone number is (571) 272-6922. The examiner can normally be reached on **MON-THURS (7:30 -6:00 PM)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **EILEEN LILLIS** can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ptc
PTC


EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600